

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-83-RJC**

In re:)	
)	
EARNESTINE KASEY,)	
)	
Debtor.)	
<hr/>)	<u>ORDER</u>
)	
EARNESTINE KASEY,)	
)	
Appellant,)	
)	
v.)	
)	
STATE EMPLOYEES CREDIT UNION)	
and WARREN L. TADLOCK,)	
)	
Appellees.)	
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THIS MATTER comes before the Court sua sponte. Appellant Earnestine Kasey (“Appellant”) filed her Notice of Appeal from Bankruptcy Case number 16-30008 on February 17, 2016. (Doc. No. 1). It appears, however, that Appellant has failed to file her designation of the items to be included in the record on appeal and a statement of the issues to be presented. (Doc. No. 2).

Federal Rule of Bankruptcy Procedure 8009(a)(1) requires an appellant to “file with the bankruptcy clerk and serve on the appellee a designation of the items to be included in the record on appeal and a statement of the issues to be presented” within fourteen (14) days after the appellant files his notice of appeal. Rule 8009(b)(1) also requires the appellant to order, within fourteen (14) days of filing the notice of appeal, “a transcript of such parts of the proceedings not already on file as the appellant considers necessary for the appeal, and file a copy of the order

with the bankruptcy clerk; or file with the bankruptcy clerk a certificate stating that the appellant is not ordering a transcript.” Rule 8003(a)(2) states that a “failure to take any step other than the timely filing of a notice of appeal does not affect the validity of the appeal, but is ground only for the district court or BAP to act as it considers appropriate, including dismissing the appeal.” Failure to file the required designation of record and statement of the issues can warrant dismissal of an appeal.

IT IS, THEREFORE, ORDERED that Appellant show cause why this appeal should not be dismissed for failure to file a designation of record and statement of the issues. Appellant has **seven (7) days** within which to file her designation of record and statement of the issues or provide this Court with good cause explaining her failure to do so. If Appellant fails to remedy this deficiency or fails to provide good cause to explain this deficiency within **seven (7) days**, this appeal will be dismissed without further notice.

Signed: March 11, 2016


Robert J. Conrad, Jr.
United States District Judge

